

Case 2:16-cr-00236-JLR Document 36-1 Filed 10/07/16 Page 1 of 3

1 HON. JAMES L. ROBART
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE
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11 UNITED STATES OF AMERICA,) NO. CR 16-00236JLR
12 Plaintiff,) ORDER GRANTING UNOPPOSED
13 vs.) MOTION TO CONTINUE TRIAL AND
14 JAMES MILLS,) PRETRIAL MOTIONS DEADLINE
15 HECTOR FLORES SALAS,) (PROPOSED)
16 Defendants.)
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18 This matter comes before the Court on the defendants' unopposed motion to
19 continue the trial date and pretrial motions deadline. Defendants seek to continue the
20 trial from November 14, 2016, to March 13, 2017, and to continue the pretrial motions
21 deadline to February 3, 2017.

22 Having thoroughly considered the motion papers, and the relevant record, the
23 Court hereby GRANTS the motion. The trial date is CONTINUED to March 13, 2017,
24 and pretrial motions shall be due by February 3, 2017. In reaching this conclusion, the
25 Court FINDS the following:

26 ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
AND PRETRIAL MOTIONS DEADLINE - 1
(James Mills, Hector Flores Salas; CR16-
00236JLR)

FEDERAL PUBLIC DEFENDER
1601 Fifth Avenue, Suite 700
Seattle, Washington 98101
(206) 553-1100

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4 (a) Taking into account the exercise of due diligence and the examination and
5 evaluation of additional discovery, a failure to grant a continuance in this case would
6 deny defense counsel the reasonable time necessary for effective preparation due to
7 counsel's need for more time to review the evidence, consider possible defenses, and
8 gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv),
9 because defense counsel has indicated that she requires additional time to prepare for
10 trial so that she and Defendant can review, understand and investigate discovery
11 provided by the Government in order to evaluate and develop factual and legal issues,
12 potential defenses, and pre-trial motions. .

13 (b) A failure to grant such a continuance in this proceeding would likely
14 result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

15 (c) The additional time requested is a reasonable period of delay, as
16 Defendant has requested more time to prepare for trial, to investigate the matter, to
17 gather evidence material to the defense, and to consider possible defenses.

18 (d) The case is sufficiently complex that it is unreasonable to expect adequate
19 preparation for pretrial proceedings or the trial itself within the current trial schedule, as
20 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii).

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(e) The ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and Defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A).

(f) The additional time requested between the current trial date of November 14, 2016, and the new trial date is necessary to provide defense counsel the reasonable time necessary to prepare for trial, considering counsel's schedule and all of the facts set forth above.

(g) The period of delay from the date of this order to the new trial date is excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

For the reasons set forth above, Defendant's motion is GRANTED. The trial date is hereby CONTINUED to March 13, 2017, and pretrial motions shall be due by February 3, 2017.

DATED this 12th day of October, 2016.



JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

Presented by:

s/ *Nancy Tenney*
Attorney for James Mills

s/ *Robert Flennaugh*
Attorney for Hector Flores Salas

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
AND PRETRIAL MOTIONS DEADLINE - 3
(James Mills, Hector Flores Salas; CR16-00236JLR)

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